



U.S. Department

United States District Court
Southern District of New York

86 Chambers Street
New York, New York 10007

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May 12, 2021

Hon. Analisa Torres
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

Re: *Yafai, et al. v. Cuccinelli et al.*, No. 20 Civ. 2932 (AT)

Dear Judge Torres:

This Office represents the government in this action in which plaintiffs initially challenged the denial by U.S. Citizenship and Immigration Services (“USCIS”) of two Petitions for Alien Relative (Forms I-130) and an Application to Register Permanent Residence or Adjust Status (Form I-485), and also alleged that the USCIS employee who interviewed them had violated their constitutional rights and thus was personally liable for damages under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) (“*Bivens*”). On March 15, 2021, months after USCIS reopened and approved the Forms I-130 and Form I-485, plaintiffs an amended and supplemental complaint asserting: (i) a claim of unreasonable delay relating to the processing of a visa application against the Department of State; (ii) claims under *Bivens* against Robert Molle, a senior immigration officer at USCIS, Joseph Andrews, a special agent of the Federal Bureau of Investigation, and three John Doe defendants allegedly employed by the Government; and (iii) a claim for intentional infliction of emotional distress against the United States under the Federal Tort Claims Act. I write to request, with plaintiffs’ consent, that the date for the United States, Department of State, the Secretary of State, and Robert Molle¹ to respond to the amended complaint be extended by sixty days, from May 28, 2021, to July 27, 2021. I also respectfully request that the initial conference currently scheduled for May 18, 2021, be adjourned to a date two weeks after July 27, 2021. This is the Government’s second request to extend the deadline to respond to the amended complaint and first request to adjourn the initial conference as related to the amended complaint. Plaintiffs’ counsel consents to both requests.

This extension is requested because the Government needs additional time to further evaluate the legal claims and confer with various agency counsel to determine its response to the amended complaint. In addition, the Department of Justice is in the process of requesting authority to represent defendants Robert Molle and Joseph Andrews.² Thus, additional time is

¹ The DOJ does not yet have authority to represent Molle but is making this request on his behalf in the interest of justice.

² Plaintiff has not yet served “John Doe (A.K.A. Bayoumi)” and Joseph Andrews. Should the Department of Justice obtain authorization to represent Andrews, the undersigned has indicated to Plaintiffs’ counsel that she will attempt to facilitate service of the amended complaint.

needed to complete that process and for the undersigned to confer with the individual defendants and coordinate responses to the amended complaint for the multiple defendants.

I thank the Court for consideration of this matter.

Respectfully submitted,

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counsel of record

GRANTED in part, DENIED in part. By **July 27, 2021**, Defendants the United States, Department of State, the Secretary of State, and Robert Molle shall answer or otherwise respond to the complaint. The conference scheduled for May 18, 2021, is ADJOURNED to **July 29, 2021**, at **10:00 a.m.** By **July 22, 2021**, the parties shall submit their joint letter and proposed case management plan.

SO ORDERED.

Dated: May 13, 2021
New York, New York



ANALISA TORRES
United States District Judge